

REMARKS

Claims 1 through 4, 6 through 16, 18 through 20, 22 through 26 and new Claims 27 and 28 are pending in the application.

Claim 1 has been amended to recite the term “essentially water-insoluble” in lieu of the recitation “not water-soluble or is only slightly water-soluble.” Support for this amendment can be found in the Application-as-filed, for example in Claim 23.

Claims 2 and 12 have been amended to recite “comprises” in lieu of “consists of.” Support for this amendment can be found in the Application-as-filed.

Claim 23 has been amended to remove the second occurrence of the term “essentially” and to further replace the term “consisting of” with the term “comprising.” Support for this amendment can be found in the Application-as-filed.

Claim 23 has also been amended to reflect beneficial inventive food casings having a textile support layer and an edible coating anchored thereto. Support for this amendment can be found in the Application-as-filed, for example on Page 5, lines 16 through 25.

Claim 25 has been canceled without prejudice or disclaimer to the filing of continuing applications thereon.

Claim 26 has been amended to delete the term “essentially,” and to depend from Claim 1. Support for this amendment can be found in the Application-as-filed.

Claims 27 and 28 have been added to complete the record for examination and highlight advantageous embodiments of the invention.

Claim 27 is directed to advantageous embodiments in which a textile is a woven or knit fabric. Support for Claim 27 can be found in the Application-as-filed, for example on Page 6, lines 29 through 30.

Claim 28 is directed to expedient aspects in which the coating is rendered not water-soluble via treatment with smoke and/or by warming or heating. Support for Claim 28 can be found in the Application-as-filed, for example on Page 4, line 33 through Page 5, line 3.

Reexamination and reconsideration of this application, withdrawal of all rejections, and formal notification of the allowability of the pending claims are earnestly solicited in light of the remarks which follow.

Section 112 Rejection

Claims 2 and 12 stand rejected based upon the recitation "consists of." Without addressing the merits of the rejection and solely to advance prosecution of the case, Claims 2 and 12 have been amended to recite "comprising" in lieu of "consists of." As noted above, support for this amendment can be found in the Application-as-filed. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 23 likewise stands rejected over the recited layer "consisting of" the recited water-soluble material. Without addressing the merits of the rejection and solely to advance prosecution of the case, Claim 23 has similarly been amended to recite "comprising" in lieu of "consisting of." As noted above, support for this amendment can be found in the Application-as-filed. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 25 stands rejected over the recited coating weight range. Without addressing the merits of the rejection and solely to advance prosecution of the case, Claim 25 has been canceled. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 1 stands rejected over the limitation "only slightly water soluble." The foregoing recitation has been deleted from Claim 1 and replaced with the recitation "essentially water-insoluble." As noted above, support for this amendment can be found in the Application-as-filed. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 2 and 12 stand rejected over the recitation "at least one edible binder; solid aroma substances and/or liquid aroma substances, dyes and/or flavorings and optional crosslinker, citrate or smoke treatment." Applicants respectfully submit that the recitations "at least one", "and/or" and "optionally" are well accepted under United States practice. As the transitional phrases for Claims 2 and 12 have been amended to the open phrase "comprising" in lieu of "consisting of," Applicants presume that the rejection has been addressed, and respectfully request withdrawal of this rejection.

Claim 13 stands rejected over the recitation "an aqueous mixture" in light of the closed transitional phrase within its associated independent claim. As noted above, the transitional phrase of Claim 12, from which Claim 13 depends, has been amended into the "open" form "comprising." Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 23 stands rejected over the limitation "anchoring." Claim 23 has been amended to provide antecedent basis for the foregoing limitation. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 23 and 26 stand rejected over recitation "essentially water-soluble." Without addressing the merits of the rejection and solely to advance prosecution of the case, the foregoing phrase has been amended to read "water-soluble" within both Claims 23 and 26. Accordingly, Applicants respectfully request withdrawal of this rejection.

The Claimed Invention is Patentable

in Light of the Art of Record

Claims 1 through 4, 6 through 16, 18 through 20 and 22 through 26 stand rejected over published European Patent Application EP 408164 (EP 164) to Ito et al in light of United States Patent Application Publication No. 2001/0008658 (US 658) to Barmore.

It may be helpful to briefly consider the invention before addressing the merits of the rejection.

Applicants respectfully reiterate that there remains in the art a long felt need for food casings which can transfer an ingredient, such as a dye, aroma substance, or flavoring, to a foodstuff situated therein. Transferable ingredients are challenging, because the coating and its transferable ingredient must be robust enough and adhere to the casing adequately to survive the stuffing process, yet the ingredient must have sufficient freedom to subsequently transfer to the foodstuff. Consumers also prefer that the foodstuff be uniformly covered with the transferred ingredient. Consequently, the complete transfer of ingredients onto a foodstuff located in the casing is considered highly advantageous.

Applicants further respectfully reiterate that the type of casing upon which the transferable coating is applied greatly affects the coating adhesion. Casings providing interstices at their surface, such as casings incorporating fabrics, would be expected to initially provide improved coating adhesion; however, such fabric casings would be expected to suffer from poor release properties due to coating entrapped within the surface interstices. Coating adhesion may be improved by incorporating components such as crosslinkers. Although beneficial in imparting adhesion, such crosslinkers would be expected to harden the coating entrapped within the fabric interstices thereby diminishing its release properties.

Altogether unexpectedly, Applicants have found that food casings incorporating a textile support layer and a transfer coating formed from edible binder that is not water-soluble can be transferred completely onto a foodstuff located in the casing, along with aromas, dyes and/or flavorings, as reflected in Claim 1.

In especially advantageous embodiments, the edible binder is gelatin or collagen, as recited in Claim 22.

In highly expedient aspects, the inventive food casings further include a layer consisting of a water-soluble material arranged between the textile support layer and the transferable edible coating so that the transferable coating loses its anchoring under the action of moisture, as recited in Claim 23 as-amended.

In particularly advantageous aspects, the inventive food casings include a woven or knit fabric as a textile, as recited in newly added Claim 27.

Expediently, the inventive coating is rendered not water-soluble via treatment with smoke and/or by warming or heating, as recited in newly added Claim 28.

Applicants respectfully reiterate that the cited references do not teach or suggest the claimed invention.

EP 164 is directed to food transfer sheets that include a web, a "size" layer, and a separate food material layer. (Figure 1 and Page 2, lines 27 – 29). The size layer is expressly noted as water soluble, with the transfer of the food material taking place under wet or moist conditions. (Page 3, lines 22 -23 and Page 4, line 7) The size layer releases the food material layer upon moistening to "neatly" transfer the food onto the surface of the substrate. (Page 3, lines 20 – 30 and Page 4, lines 5 - 9). Applicants respectfully reiterate that the at-least-partially dissolved size layer of EP 164 does not transfer together with the food layer, as echoed by the Examiner in the previous Office Action on Page 4, Ref. No. 9.

EP 164 particularly teaches a matrix layer (1), a size layer (2) and a superimposed food layer (3). (Figure 1 and Page 2, lines 29 – 31). EP 164 indicates that the food layer is deposited onto the surface of the size layer and subsequently “fixed” thereon; however, the food material remains as a discrete layer. (Page 3, lines 33 – 36 and Fig. 1). EP 164 more specifically notes that the size layer is “interposed between” the matrix layer and the food layer. (Page 2, lines 27 – 29; Page 3, lines 8 – 9 and Abstract). As previously noted by the Examiner, the food layer is applied onto the surface of the size layer by dusting or the like. (Page 3, lines 31 – 42). Working Example 1 applies a combined weight of 190 g/m² to polyester film. (Page 4, lines 19 – 30). Working Example 2 applies a combined weight of 100 g/m² to polyester nonwoven fabric. (Page 4, 34 – 39). Working Example 3 applies a combined weight of 325 g/m². (Page 4, 45 – 51). The matrix layer may be formed by papermaking techniques, nonwoven fabric production technology, extrusion, or via foam compression. (Page 2, line 35 – 44).

Applicants respectfully reiterate that EP 164 does not teach or suggest the claimed invention.

Applicants further respectfully reiterate that US 658 does not render the claimed invention obvious in combination with EP 164.

In contrast to the claimed textile support, US 658 is directed to films having a transferable coating. [0008 and 0047]. Considered in its entirety for all that it teaches, US 658 explicitly recommends a plasticizer to render its crosslinked composition more flexible. [0196]. The coatings of US 658 may be applied by gravure coating, printing or lithographic coating. [0009]. US 658 indicates that the films may be “printed” with coating on a portion of the product. [0009]. The working examples of US 658 apply liquid smoke or caramel via a gravure roll. [0166]. US 658 provides an incredibly extensive list of suitable binders that fails to include gelatin and collagen. [0014]. US 658 does note, however, its determination that “certain binders were discovered to be better than others.” [0010].

US 658 notes that an intermediate layer may be present between the film and transferable coating that can serve as a primer for the application of the transferable coating. [0023] In contrast to the urgings in the outstanding Office Action at Page 12, Ref. No. 30, this third layer is disclosed as potentially containing crosslinking agent. US 658 specifically states that “[a]dditionally or alternatively, the third can contain ... a “crosslinking agent.” [0023]. US 658 indicates that the interaction of its binder and crosslinker controlled adhesion of the additive to the film. [0010].

Applicants respectfully reiterate that US 658 does not teach or suggest the claimed invention.

Applicants further respectfully reiterate that there would have been no motivation to have combined EP 164 and US 658.

However, even if EP 164 and US 658 were combined (which Applicants did not do), the claimed invention would not result.

The combination simply does not teach or suggest the inventive food casings including a textile support layer and a single-layered transfer coating in which the coating is not water-soluble and transfers completely onto a foodstuff, as recited in Claim 1. Applicants respectfully reiterate that EP 164 expressly teaches a two-layered transfer coating formed from a water soluble resin onto which a separate food layer has been disposed. US 658 is solely directed to films having a transfer layer. Consequently, Applicants respectfully submit that the combination of EP 164 and US 658 would have at best resulted in a two-layered transfer coating incorporating the binders and/or films of US 658. Applicants further respectfully submit that to conclude otherwise is to indulge in conjecture based upon a hindsight analysis.

Applicants further respectfully submit that it was altogether unexpected to those skilled in the art that the inventive food casings incorporating a coating that is not water-soluble applied to the surface of a textile support layer could be transferred completely onto a foodstuff, particularly in the absence of a plasticizer. Applicants respectfully submit that the recited complete transfer of an insoluble coating from a textile surface is instead counterintuitive, as one skilled in the art would expect the insoluble coating to adhere to the textile, due, inter alia, to the penetration of the coating within the textile interstices.

Nor does the combination teach or suggest advantageous inventive food casings in which the not-water soluble coating is formed from gelatin or collagen, as recited in Claim 22. EP 164 requires a water soluble size layer. US 658 provides an extensive list of suitable binders, which US 658 noted as being "better than others," that did not include gelatin or collagen. Thus the combination of EP 164 and US 658 would at best have resulted in the incorporation of water soluble gelatin or collagen. Applicants further respectfully submit that to conclude otherwise is to indulge in an impermissible hindsight analysis.

And the combination most certainly does not teach or suggest such inventive food casings in which a layer made of a water-soluble material is arranged between the textile support layer and the transferable coating so that the transferable coating loses its anchoring under the action of moisture, as recited in Claims 23 and 24. EP 164 does not teach or suggest the incorporation of two binder layers. US 658 merely teaches an intermediate primer layer that may contain either a release agent or crosslinker. Consequently, Applicants respectfully submit that the combination of EP 164 and US 658 would have at best merely suggested the incorporation of a primer layer containing a release agent; e.g. a wax or silicon compound, or a crosslinker.

Applicants respectfully reiterate that the combination further fails to teach or suggest inventive food casings in which a layer made of water-soluble material is arranged between the textile support layer and the transferable edible coating, and the transferable edible coating is crosslinked to impart a smooth coating surface to the coarse-grained or piece-forms, thereby producing a uniform coating without gaps on the foodstuff, as recited in Claim 26.

As noted above, EP 164 simply does not teach or suggest the incorporation of two binder layers. US 658 merely teaches an intermediate primer layer that may contain a further, separate release agent or crosslinker. Consequently, the combination of EP 164 and US 658 would have at best merely suggested the incorporation of a primer layer containing a release agent or crosslinker.

And the combination cannot teach or suggest advantageous embodiments in which the textile is a woven or knit fabric, as recited in newly added Claim 27. EP 164 teaches that its matrix layer may be formed by papermaking techniques, nonwoven fabric production technology, extrusion or foam compression. US 658, directed to film based casings, does not cure that deficiency.

The combination similarly fails to teach or suggest expedient aspects in which the coating is rendered not water-soluble via treatment with smoke and/or by warming or heating, as recited in newly added Claim 28. EP 164 is solely directed to a water soluble size layer, while US 658 incorporates crosslinker to control adhesion.

Accordingly, Applicants respectfully reiterate that EP 164 and US 658 do not teach or suggest the claimed invention, considered either alone or in combination.

CONCLUSION

It is respectfully submitted that Applicants have made a significant and important contribution to the art, which is neither disclosed nor suggested in the art. It is believed that all of pending Claims 1 through 4, 6 through 16, 18 through 20 and 22 through 28 are in condition for allowance. It is requested that the Examiner telephone the undersigned if any questions remain to expedite examination of this application.

It is not believed that extensions of time or fees are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time and/or fees are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required is hereby authorized to be charged to Deposit Account No. 50-2193.

Respectfully submitted,

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/Claire Wygand/

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